The Opinion

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William Mitchell College of Law

William Mitchell
OPINION

Vol. 18 April, 1976 No. 4

Meshbesher for the Defense:

Money's best buy

by Elizabeth Binkard

"I don't think I could be a criminal lawyer like Ron Meshbesher. How can he defend someone he knows is guilty? I'll have a hard time with cases unless I really believe in the defendant."

a law student

"Meshbesher is one of the finest trial lawyers we have in the system. He sticks to the important facts and doesn't bring in a lot of fancy stuff."

an elderly federal courts official

"Honey, Ron Meshbesher is a bigger chippie than I am. He'll take anything if it means money for him."

a local bartender

"Meshbesher is a judge's dream. When he's in court, I can do what I'm supposed to do — judge. I don't have to worry about whether the defense is being handled properly or if there are going to be grounds for later appeals. His preparation for each case is astounding."

a municipal judge

To those in trouble with the law in the Twin Cities, Ron Meshbesher means the Cadillac of the defense trade. "If you have Meshbesher, you know you're going to get a good defense," explains one ex-con. "He likes to fight. If you go to trial, the opposition is going to be the one who makes a mistake, not Ron, and you'll probably have grounds for an appeal. The man don't miss nothing."

To legal colleagues state and nationwide, Meshbesher is known through his articles in criminal law journals, the seminars he has helped to conduct across the country through the American Trial Lawyers' Association, or for the work he has done with F. Lee Bailey as co-counsel on cases the men have handled in Minnesota.

To the general Twin Cities public, his name is known mainly because of controversial clients. People see him on television explaining what happened that day in court to the man he's defending on charges of letting a herd of horses almost starve to death. Or what the defense may be for the hockey player who wounded a local star during a battle on the ice. Or for a man accused of murdering a bar owner in the bathroom of his nightspot, almost in sight of several witnesses.

The idea that these people aren't guilty until proved so is hard to accept — their guilt seems apparent. When Meshbesher's name comes up in conversation, it is often tied in with questions about his motivations and ethics. How much money, the talkers ask, must it take to make a man defend such people? How can he live with his conscience, actually trying to get them off? A microcosm of the American public, Twin Cities people hear the FBI statistics on the growing crime rate with concern. They know that they and their friends and neighbors are being victimized more and more each year. And it is easy to place some of the blame on a criminal defense lawyer, especially an effective one, for "what's wrong with America today."

Meshbesher, however, believes that the conflict between society and those charged with violations against it is frequently weighted in favor of the state. "The prosecution," he says, "have the advantage in gathering evidence. They have their crime labs, use of FBI facilities, a large budget, advanced investigative tools."

In a paper presented to a criminal law seminar at the ATLA, he argued:

> The government may be likened to a battleship lying afloat with a well-trained and experienced prosecutor at the helm, an unlimited crew of technical experts and the financial resources to keep the ship going at full speed, ready to do battle with its adversary, be it rowboat or cabin cruiser, its form relative to the affluence of the owner. In most cases, however, they are rowboats, adrift in the sea without oars, a legal oarsman or survival kit, and thus, the quality of justice is dependent on the type of boat one can afford . . .

The American justice system, he explains, means that a lawyer is obligated to defend anyone who has the money to hire him.

Although the jury trials attract attention and mold his public image, on a bleak day last winter, Meshbesher faced what he says is a more typical day. But now as it began, he was on his way to the Hennepin County Government Center where he usually spends three mornings a week, checking on pending cases, attending hearings, making miscellaneous appearances.

In the car he quickly ticks off details of the cases he's representing this morning. None leads to any dramatic arguments about innocence; instead, all three men have agreed that their best course is probably to plead guilty and hope for a short sentence. So, negotiations have already taken place between Meshbesher and the prosecutor's office, and the court proceedings unfold exactly as he'd predicted.

"Nine out of ten of my cases never do go to trial," he explains. "The state wouldn't make a charge unless they were confident of their case's strength so usually the best action is to negotiate a plea and hope for the best. What it comes down to is exchanging the certainty of a negotiated sentence for the risk of a trial and a longer sentence if found guilty there. The more serious the case, the more likely the defense would go to trial as the risks involved in the sentence lengths grow more even."

If his client insists upon his innocence, no matter how overwhelming the state's evidence seems to be, the case will go to trial, he says. The choice then is one of a

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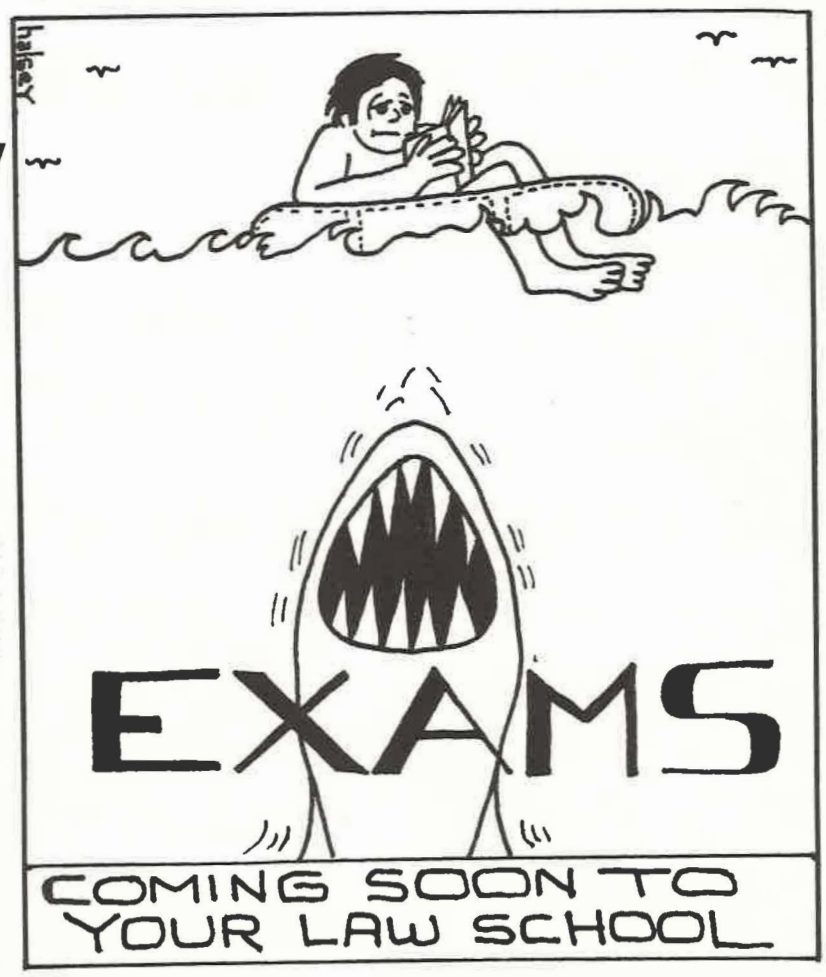

1976 Legislature votes UCC, DWI, Probate and other changes

by Tad Jude

Although the 1976 session of the legislature will probably be known as the "stadium session," several bills affecting the legal profession were passed through the House Judiciary Committee and are new Minnesota statutes.

Extensive amendments were made to Article 9 of the Uniform Commercial Code. Among the changes:

- All farm equipment must be filed in order to perfect the security interest.
- A fixture must be recorded in the real estate records to protect a holder of a secured interest in fixtures from real estate interests.
- Provides that a financing statement must only be signed by the debtor to be effective.

Changes were made to M.S. 559.21 regarding termination of a contract of sale of real estate. The new language provides that after notice of default is made to a purchaser, the "contract will terminate (1) 30 days after the service of such notice if the purchaser has paid less than 30 percent of the purchase price plus accrued interest thereon; (2) 45 days after service of such notice if the purchaser has paid 30 percent or more but less than 50 percent of the purchase price plus accrued interest thereon; (3) 60 days after service of such notice if the vendee has paid 50 percent, or more of the purchase price plus accrued interest thereon. . ." Previously, a 30 day period was the requirement in all cases.

The 1976 legislation also passed several bills imposing tougher penalties on drunken drivers: (1) The legislature passed a bill making it a gross misdemeanor to drive a motor vehicle while intoxicated after the driver's license has previously been suspended or revoked for a DWI offense; (2) Stays of imposition of sentences will now be required to be reported by the court to the Commissioner of Public Safety; (3) Where a driver has more than .10 blood - alcohol content, notice will go to the Commissioner of Public Safety who shall revoke the driver's license for three months unless a county court hearing is requested by the offender. This bill also increases the courts authority to revoke a license up to three months on the first DWI offense (presently 30 days).

Clarifications and adjustments were made to the probate code. These include: allows verification of probate documents by either unsworn statement or by affidavit; allows the court to waive tax liens in supervised proceedings; and eliminates de novo appeals from probate court.

A bill was passed dealing with ethical complaints against attorneys. If a complainant is unsatisifed with the action taken by the district ethics committee, the attorney general can be requested to investigate. The attorney general can then report to the state ethics board, and can ultimately request review by the Supreme Court.

Tort suits against the State of Minnesota were authorized, except in certain specified cases. The maximum recovery is $100,000 per claimant and $500,000 per occurrence. Generally, policy decisions are exempt from suits.

1976 was a productive session.

A new practitioner joins the legal profession

A newcomer to the legal profession is the para-legal. Just what circumstances have fathered this new species of legal practitioner are not yet certain. The reasons seem to be in part structural, in part fortuitous. The latter is not difficult to see. In the last five years there has been a hugely increased demand for admission to the legal profession and though the barriers to it are far fewer than those to the medical and dental professions, nevertheless, some aspirants have been turned away by the law schools. Hence it has been necessary to create a new species of practitioner within the legal profession for these unsuccessful candidates for law school.

Moreover, the profession has undergone structural changes. The pressure for specialization weighs heavily on the legal profession and schemes to divide it into barristers and attorneys, for example, are only symptomatic of this pressure. The legal profession is not alone in this plight. In the medical and dental professions, para - professionals have already made significant strides.

Excessive supply, however, is perhaps the single most significant catalyst spawning the rise of the para-legal. With the explosion of tertiary education in the 1960's the United States has been confronted by a large over - supply of college - educated people. The vocational colleges have only been able to absorb so many of them. Hence, there has been a great need in this country to create new white - collar jobs for these college graduates. To oblige them, demography and fashion have conspired to produce this new class of legal practitioner, the para-legal.

A number of para - legal training programs have sprung up across the country. They vary considerably in nature and extent. Last September, for example, a rather unusual para-legal training program was established at the George Washington University law school in Washington, D.C., to train twenty senior citizens as para-legals. There are thirteen women in the course and seven men, with ages ranging from 55 to 70. Their training, assisted by a $110,000 grant from HEW, focuses on typical problems of the elderly, such as wills, social security and consumer matters.

Closer to home, in the Twin Cities, there are at least three para-legal training programs offered. They are conducted by General College of the University of Minnesota, North Hennepin Community College, and Inver Grove Hills Community College. All three programs are quite similar in structure; in fact North Hennepin and Minnesota co-operate to provide an internship. The University of Minnesota program, which is the oldest, is representative. It started in 1971 and grew out of the legal secretary program at the Department of Continuing Education. The response, was so en-

(See 'para legal' page 7)

editorials

The gnomes of Princeton

From the wonderful people who brought you the ACT, the SAT, the GRE, and the LSAT, announcing — the MBE. No, this is not Member of the Order of the British Empire, the Honour Queen Elizabeth conferred on the Beatles. It is the Multi-state Bar Examination.

The viper is prepared by the Educational Testing Service (ETS) and administered by the National Conference of Bar Examiners.

This product of the gnomes of Princeton first descended on human kind in February, 1972, and has since been spreading its ugly contagion over the continent. It is now available in 42 states, which — mirabile dictu — do not include Minnesota, Iowa and Nebraska.

It is a so-called 'objective' type examination lasting six hours and consisting of two hundred questions with four possible answers to each question. It covers six subjects — constitutional law, criminal law, torts, contracts, real property and evidence.

Generally it forms only part of the bar examination of the state. In addition, each state allots one or two days to essay questions on subjects not covered by the M.B.E. A few cautious states even cover in essay questions some of the subjects covered by the M.B.E. This makes one wonder if the M.B.E. is not just another plot by the Educational Testing Service (Service is a misnomer if we ever heard one!) to relieve students of some cash . . .

Its success is perhaps explained by two factors, the exploding number of bar examination candidates and the M.B.E.'s claim to 'objectivity.' Between 1964 and 1974 the number of candidates sitting the bar examination in the United States jumped 250 per cent. Needless to say this has strained the already bad facilities of most bar examiners. ETS provided an easy way out.

The claim to objectivity has probably proved even more attractive. Worried by the possibility of varying standards among examiners, the chimera of objectivity has lured bar examiners into the clutches of the M.B.E. We are told that each question is weighted so that more credit is given for the more difficult questions and vice versa. Moreover, we are assured that the computer is most vigilant; if an extra-ordinary number of candidates bomb a question, it is picked out and referred to a committee which then determines whether the question be appropriate, obscure, wrong or whatever.

Fine. All very scientific. But is it not a law school's purpose to teach legal reasoning as well as black letter law? We had thought that it was mainly to teach legal reasoning that law schools wasted time using the case method, especially in classes like contracts and torts. (Note: Both M.B.E. subjects.) Did we misunderstand so many of our instructors who stressed two points before beginning an examination: first, that they were interested in legal reasoning not in mere conclusions; second, that they considered clear writing a necessity and not a luxury for a lawyer?

It is difficult to see how the M.B.E. can reward either good legal reasoning or good legal writing. It is a truism that many legal problems will have a number of possibly correct answers. Will the M.B.E. give the candidate credit if 'C' was a logical answer but the computer picked 'B' instead as correct? Will the M.B.E. give the candidate extra credit for placing a particularly elegant tic or 'X' in box 'A' of a question?

This is not the time to drop standards. The damage of Watergate to the legal profession's image has perhaps been overstated. The truth is lawyers have always had a bad reputation — at least with some segments of the population. Many people have only grudgingly accepted lawyers because lawyers are indispensable social technicians.

But even if society dislikes lawyers, lawyers have a duty to themselves and their profession. They are a learned profession. As we hear daily that more and more high school students are genuinely illiterate and most university students read at an eighth grade level, dare we accept an examination that encourages a deterioration of standards? Whatever type of examination the bar examiners set the law schools will prepare their students to sit — even if it is merely a multiple choice test.

A lawyer who cannot spin a logical argument and write intelligible prose is not worth his salt. He cannot serve his raison d'etre as a social go-between. In fact, an unintelligible lawyer is no lawyer at all. A bar examination should not aim at producing them.

Free lunches

William Mitchell College of Law has a severely circumscribed number of scholarships to aid its students. Yet a new idea may help ease the problem.

At New York University law school an interesting variety of financial aid is available — the scholarship in kind. A local restaurateur has offered a scholarship that permits the recipient to get a daily free lunch.

In August William Mitchell will be moving down Summit Avenue to OLP. That area is blessed with several eating places. These the College and the Student Bar Association would do well to solicit for scholarships in kind. The restaurant would get some advertising, some good will, and a tax deduction. The student would get a good hot meal before class and some much needed financial aid. Remember, fees will rise (again) next year to finance the OLP move and some students will be hard pressed to find the exptected $200 increase in fees.

editor's comment

by Duane L.C.M. Galles

The spring of our discontent

The National Conference on the Causes of Popular Dissatisfaction with the Administration Of Justice met in St. Paul April 7-9. The conference, convened by Chief Justice Burger, aimed at deciding what belongs in the courts and how to streamline judicial procedures.

If there is a malaise in the judicial system in the United States, it is because there is a malaise in the United States as a whole. The country frankly has lost its consensus of values.

We mouth slogans like "our free enterprise system" and then turn around and bail out Lockheed, the railroads and any other interest group large enough to logroll its proposal through the legislature and reach its hand into the public coffers — and that includes the family farm, which Minnesota has recently decided to subsidize with public funds. In a sense the family farm assistance bill is the swan-song of the free enterprise system. The farmers were the last major class of individuals silly enough to attempt to operate in the twentieth century under classical (nineteenth century) supply and demand economics. Ricardo and company have now been given the coup de grace.

On the other hand, at least since Roscoe Pound's made his famous "Causes of Popular Dissatisfaction" speech in St. Paul seventy years ago, the country has been moving feet-forward and head-backward into the brave new world of a collective economy.

Now, of course, neither the laissez-faire nor the collective economy is to be deprecated per se. What is to be deprecated is the mindless and aimless stumbling along with our feet in one world and our heads in another. The American ethos may be laissez-faire but, like it or not, we are living in the twentieth century where the rules of the game are not laissez-faire. But this is precisely what we have failed to recognize. The upshot is a serious national schizophrenia. Small wonder there is no consensus on how to celebrate the Bi-centenary. We may know where we have been but we really do not know who or where we are.

The problem is no less serious for the judiciary. Since there is no national consensus of values, legislators cannot formulate policies. Hence, we have legislative paralysis and the task of policy formulation passes by default to the judiciary. If you go to court, the judge will decide the case one way or the other. A policy decision at least will be made, for rarely in this country do the courts adopt the tertium quid and stay out of the matter entirely. Perhaps judges watch too much baseball and football where the umpire or referee has no choice but to make a decision, right or wrong. Or perhaps judges perceive our national malaise and have decided that the buck must stop at their court-room door.

Whatever the reason the result is the same in all cases. Judges are legislating. They are increasingly making policy decisions. This in itself we do not deprecate. We recall from history that some nations have chosen to be ruled by judges — Israel for example in biblical times. Moreover, the idea of rule by a special class of non-elected officials has received considerable and serious support from philosophers from Plato to Hegel.

The Hegelain state, you will recall, was ruled by a special class of civil servants who remained divorced from civil (bourgeois) society. The Hegelian state was predicated on the thesis that freedom is doing what is best for oneself — not doing what one pleases.

Odd as this may sound, think of it this way. Is the man truly free who "does it his way," who is the slave of his instincts? Or does freedom consist in liberty from one's own ignorance, prejudice, error, and irrational desires? Hegel opted for the latter (objective) type of freedom and, to achieve it, he set up a corps of civil servants. These were carefully kept free from the cares and concerns (and indeed the contagion) of the business world, so that they could be objective and rule the land objectively.

Whether such a social dychotomy of business and bureaucratic classes is practicable may be doubtful. Like so much German thought Hegel's system is awesome, ponderous and comprehensive. But, also, it may not work. The nearest thing to the Hegelian state in action was Bismarck's Germany — though by most accounts Bismarckian Germany gets high marks as a social system. It certainly looks good by comparison with the debacle that followed it, the Weimar Republic, a mere prelude to the Third Reich.

But this detour gets us away from our point — the Causes of Popular Dissatisfaction. Because of the breakdown of a national consensus and the consequent paralysis of legislatures, the courts have assumed the role of policy-makers. One man, one vote was simply the enforcement by the Supreme Court on this side of the Atlantic of what the Labour government in Britain legislated in the 1940's. Miranda did no more than what the British Home Secretary had decreed two years before.

So the result is not what is to be noted; it is, rather, the process by which the result was arrived at that is to be observed. As judges increasingly make policy, we reach a situation where a non-elective, specially - selected class makes our laws. Annually, almost ritually, we hear Chief Justice Burger complain to Congress of swelling dockets and over-worked judges. If Congress seems deaf to his prayers for relief, it may be that it is shrewd enough to see that the courts have created much of their problem themselves.

Like mediaeval judges they have undertaken to go about with roving commissions to do equity and render justice whenever and wherever they think fit. Perhaps Congress has concluded that the only restrained judge is also an overworked one.

In calling the conference Chief Justice Burger decried "petty tinkering" where comprehensive reform is needed. We are inclined to doubt that comprehensive reform can come through the judiciary. Great periods of judicial activity are as often preludes to societal collapse as they are prologues to reform. The great opinions of Marshall were in a sense only so much paper to plug the holes in the ship of the Constitution and keep it afloat until an essentially new constitution could be born out of the holocost of the civil war.

Likewise, the great opinions of Sir Edward Coke, revered by Anglo-American lawyers almost to our own day, pointed more proximately to strife than reform. Coke was barely cold in his grave when parliament and the cavaliers set their standards across from each other on the battlefield of the English Revolution.

But we may want our judges to be policy-makers. So be it. Let us have our Hegelian state. But let us have it without illusions. Let us not continue — as Americans are today — walking forward but looking backward. Let us realize that we are becoming, as Senator Sam Ervin said, a government of men and not of laws.

Such a government is not necessarily bad. But what is bad is the illusion, the facade that the contrary is the case. For the illusion can produce nothing but impotence. It beckons one direction while reality requires an opposite course. We would do well to ponder the words of former Minnesota Governor Karl Rolvaag, who in his more sober moments was quite profound: "Wherever you go, there you are." The Greeks put it slightly differently: Know thyself.

This rather than a mass of paper reform would end the causes of popular dissatisfaction. Knowing who we are and where we are, we could make realistic policy decisions that would come to grips with our problems. That, of course, would end petty tinkering; that would eradicate the causes of popular dissatisfaction.

the dean's column

by Bruce Burton

The year in review — —
professionalism and cooperation

Looking back over the 1975-76 school year we can all point to a number of interesting historical phenomena. First was the rather difficult scheduling problem which arose in the fall semester, the critical need for new classroom, library and study space, the crash program to initiate the student work/study program for William Mitchell, the ABA inspection visit and report, the acquisition of OLP and the horse race to complete architectual plans and construction contracts in time to be in a position to commence classes during the fall of 1976 at the building, and numerous difficulties arising in the way clerical or bureaucratic snafus.

As Acting Dean through this period, I have noted a number of interesting features pertaining to William Mitchell College of Law.

1. The student body on the whole has comported itself with professionalism and maturity, notwithstanding many adversities, and the Student Bar Association specifically has been a very instrumental and helpful tool in seeking to cure small problems and large problems as they arose.

2. The faculty, particularly the members of the full-time faculty, have taken on substantial duties on an ad hoc basis to assist me as I have bumped into numerous problems relating to the facilities question, ABA relationships, budgetary concerns, work/study program, discipline, tenure, academic freedom, and numerous other difficulties. Like the student body at William Mitchell, the faculty has invariably performed with professionalism and maturity.

3. The alumni, particularly the alumni board of William Mitchell, have made me feel welcome and enthusiastic about the school and about their activist role in seeking to upgrade the quality of legal education and to participate in the solution to our facilities question. The various members of the alumni that I have met socially or dealt with on behalf of the school have invariably been warm, and helpful, and have demonstrated a genuine sense of care and pride in their alma mater.

4. From the first few days after I took office as Acting Dean (I shortly felt as if a tidal wave had hit!), I was sustained by numerous expressions of support and confidence in the strong program which had been developed at William Mitchell College of Law throughout the years. Many members of the Minnesota Bar, as well as several members of the Minnesota Bench with whom I was acquainted, have hoped for its future. It was readily apparent to me during the fall of 1975 that a great reservoir of respect and goodwill exists towards William Mitchell on the part of persons who have dealt with the faculty, former Dean Heidenreich, and graduates of the institution.

5. National members of the American Bar Association have unanimously expressed their support and concern for William Mitchell as an excellent evening law school as I have dealt with these people during the past eight months. I truly believe that their expressions of confidence and goodwill are genuine, accurately reflect the sentiment of the national bar towards the school, and are very helpful in establishing the new program in the new facilities.

6. Many members of the Board of Trustees have treated me in an extremely warm and gracious fashion, regardless of any differences we might have had from time to time about matters of policy. When one looks across the broad membership of the Board of Trustees, one can feel rather confident that there are numerous enthusiastic and genuinely concerned individuals who are willing to give of their time without compensation and often without gratitude expressed publicly as they help to shape the future and assure the continued flourishing growth of William Mitchell as a pre-eminent evening law school.

7. There has been, in my judgment, a high degree of statesmenship and cooperativeness from all of the various parties concerned with the law school during 1975-76. I am honored to have been able to serve the College and work with these individuals and groups as intensively as I have during this school year. I believe that, in the words of the ABA inspection team, William Mitchell College of Law is presently "on the threshold of a new and exciting period of development . . . and the renewed enthusiasm of Trustees, faculty, and students (gives) the college of law (the) ideal opportunity for improving its program for providing quality legal education."

WILLIAM MITCHELL OPINION

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STATEMENT OF POLICY

The William Mitchell **Opinion** is published by the Student Bar Association of the William Mitchell College of Law for the purpose of educating and informing Mitchell students and alumni of current issues and affairs of law and the law school. In furtherance of that purpose, the **Opinion** will present the views of any student, faculty member, alumni, or the administration. Because of space limitations in a tabloid newspaper, and because the **Opinion** strives for factually accurate and stylistically uniform copy, all contributions are subject to editorial review and possible abridgment, although every effort is made to maintain a writer's original style.

The **Opinion** will endeavor to consider fully and thoughtfully all material to determine its relevance and appropriateness before publication. Such consideration will be made with the assumption that freedom of the press within the law school is no less a fundamental right than outside the law school; and in view of the **Opinion**'s recognized responsibility to the members of the student bar, practicing attorneys, and faculty and administration of the law school. Editorials represent only the opinion of their writers.

Graduation Dance

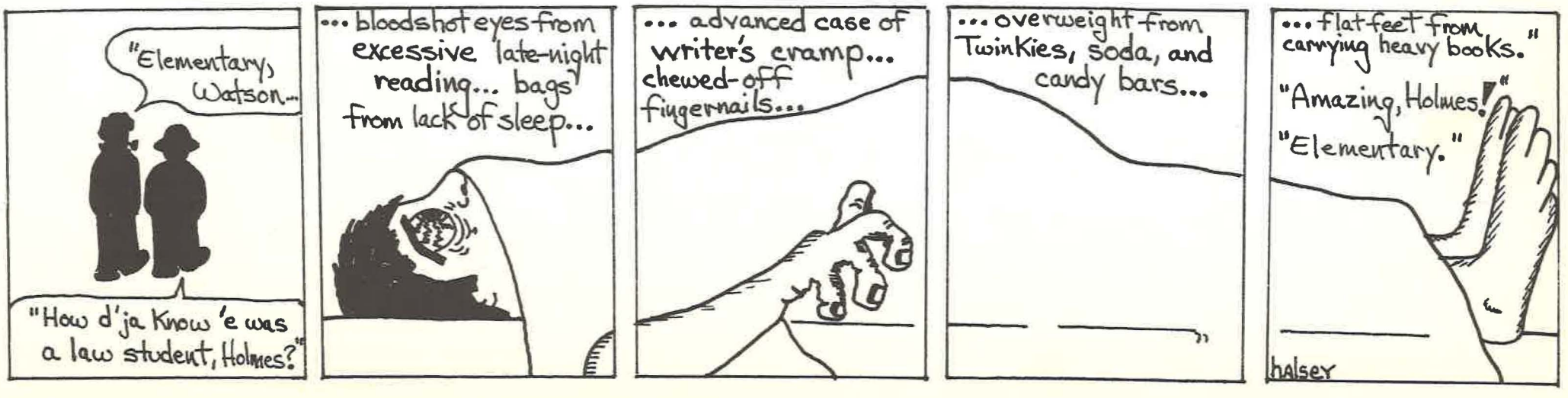
The **Spring Dinner Dance** celebrating graduation for the William Mitchell class of '76 will be held on Saturday evening, May 22, at the Minnesota Club in downtown St. Paul. All honors and awards will be presented at the event.

Cocktails will be served from six till half past seven o'clock followed by dinner, awards and a distinguished guest speaker.

Thereafter dancing will follow in the ballroom to the versatile music of Jerry Mayeron's five-piece orchestra until half past midnight.

The success of the evening depends on a good turnout. Invite your spouse, parents, relatives and friends.

S. Holmes



Defense Attorney Ron Meshbesher

MESHBESHER from page 1

trial before a judge or before a jury. "I've only waived a jury trial probably four or five times," he recalls. "If the defense is a highly technical one, I might use a judge trial. Or once, in a pornography case, I realized that the majority of the jurors considered **Playboy** immoral so we went with a judge."

Ordinarily, though, he prefers a jury trial. "Maybe it's because judges see so many guilty people going through the courtroom," he speculates, "that they come to feel that everyone charged with a crime must be guilty. They become calloused and often form their own sets of prejudices. When I work with a jury, I face prejudice too, but there I have twelve sets of prejudices to work with and they tend to cancel each other out. I think people rise to their best in groups; they're embarrassed to demean themselves in front of others. In a jury trial, if I can convince one person that there is a reasonable doubt, I've won the case."

Because many of our legal system's foundations rest on abstract ideas — the presumption of innocence until guilt is proved, the requirement of proof beyond a reasonable doubt — he seeks to find the most intelligent jurors possible. "They don't necessarily have to be highly educated," he says, "but they should be people who are bright and aware and well read. I have to be able to get into the minds of the jurors and convince them that gaps in evidence are grounds for reasonable doubt. People who read widely are more likely to think freely and see analogies with themselves and their experiences. Intelligent people are less prone to rigid prejudices. They're not as stubborn and are less likely to make snap judgments."

As long as he's at the courthouse, he decides to take care of a few other errands and stops in at the county attorney's office to discuss charges against a young client. His legal career began in this office — legend around the city says he won fifty straight convictions as a beginning prosecutor.

"Where'd you hear that?" he asks and laughs. "Actually, I think it was somewhere in the forties." Whatever the actual figure, it seems to back his claim that a lawyer must be able to argue either side effectively.

The conversation with the prosecutor is candid; Meshbesher acknowledges that their case against the kid is strong and that he has no desire to try the case. But, he adds, the kid did level once he was caught and had cooperated with the sheriff's office. "We even turned in some cars you didn't know about yet. I agree the kid needs supervision, but he was helpful, and I think he needs some counseling." The men figure out what they think the judge will probably settle for, and a probationary program is worked out that should be mutually acceptable.

His curiosity is active; an interviewer often finds himself being interviewed. The questions are quick but require real answers. As he walks through the downtown office building after lunch, he is stopped often — by business associates, by a man who looks like a wino and was a high school classmate, by an ex-client. People's names come quickly. He picks up one conversation where he evidently left it when he saw the person five years ago, another where he left it two days ago.

Driving back to the office, he points out various projects . . . what's happening with the new plan for bus lanes . . . have we been to the new concert hall . . . Later, in a trial when he brings in some obscure information about guns, you realize that this habit of gleaning information from any and all sources is necessary for the kind of total preparation that many consider his trademark.

"One of the advantages of this field is the endless variety of fields I can get into. This job runs the gamut of human experience. One day I might be involved with psychiatric evidence, the next with fingerprint analysis techniques. Or I may get an embezzlement case and get into a study of business law and intricacies. A lawyer becomes a pseudo - expert in every field in which he's involved. It's a self-education process — the new stuff is a challenge and it's amazing how fast you can pick up and talk the language."

He tells about the case where he and the local police department received information from a psychic in California which led to the retrieval of part of a rifle, an essential piece of evidence. Or, there was the case where a client was adamant in protesting that he had not shot his wife, in spite of overwhelming evidence against him. That one led to tracking witnesses across three continents; finally they were able to prove that the key to the case, a gunpowder test, had been administered incorrectly, and the client was acquitted.

There are too few good trial lawyers, he feels, and law schools do not offer enough practical experience in developing courtroom ability. He recalls one case which he took on in the appeal stage, "The original defense was pathetic. They started out pleading self-defense, but later doubt developed that the accused had even held the gun. So then they switched the argument and said that their client hadn't done it, but if he did do it, it was self-defense."

Cases like that upset him; he doesn't like to see either side do a bad job. "The whole justice system works better with two equal and skilled adversaries," he says. Beginning trial lawyers should go through an internship similar to that required for doctors, he suggests. "Students could be assigned to a practicing trial lawyer for a period of time and actually take an active part in court. I spent the first six months after law school as a clerk for several judges. I got to know the court personnel before I started practice on my own, and I spent my spare time in the courtrooms watching and listening to the lawyers I knew were good."

His strong feelings about how law should be practiced have lead occasionally to criticism from others in the legal area. Recently, a state witness in a rape case pointed out several out - state district attorneys visiting the courtroom as the men who had accosted her. Meshbesher was concerned that people be aware of the incident as an example of the risks involved in depending on eyewitness identifications. A woman from the prosecutor's office, however, viewed his notification of the local press about the matter as "an unnecessary embarrassment for our office and just publicity seeking on his part."

He reads continually — law journals, **The Criminal Law Reporter.** "It's uncanny how many times something in an article relates directly to a case I'm working on," he says. "There may be a new decision, a judgment in an area where the law's been vague before." He takes the journals along on plane trips so that time will not be wasted.

He's stressed several times that a lawyer is obligated to represent any client with the money to hire him. But one realizes that there have been some cases which meant more to him than others. One of those was a homosexual arrested for activities in a public bathroom. Observation leading to the arrest came through a concealed mirror. This, Ron felt, was an unwarranted invasion of privacy. The case led to a requirement that if such surveillance were to continue, signs must be posted to that effect.

Possibly more memorable was a case whose appeal he lost. A black client had been indicted by a grand jury notably lacking in black people. At the time the grand jury was formed through nominations by judges, and the jury was composed of affluent whites. The state supreme court wouldn't decide on their appeal that the man had not been judged by a jury of peers. Meshbesher says that that may be the case which has left the most bad feelings in his mind years later as he feels the court was wishy-washy and evaded the issue. Yet practices improved, probably as a result of the appeal, and recent grand juries have been more representative of the total community.

He doesn't lie awake at nights worrying about the ones he lost, he says; "this is one of the few occupations that tell you if you win or lose. If you lose, you get to try again right away. I've never lost a case because I wasn't prepared and I've never blown one because of something I neglected to do. So, I don't waste time castigating myself over the ones that don't turn out."

Sour Grapes?

by Maury Airity

It seemed like a normal Friday night. I had come to the library to shepardize some cases footnoted in Cary's **Corporations** when I heard a din emanating from the first floor. While I pondered its source, the enveloping aura of fermented grapes seeped into the library replacing the stench of S.E.C. v. Texas Gulf Sulphur. Intrigued, I was drawn down to rooms 101-103 where I noticed the desks had been cleared to the sides of the room; the judges bench, the counselor's table, and the jury box had all been transformed into makeshift bars; the professor's lectern had been replaced by the blare of a stereo system; and the sound of scurrying pens had been superseded by the tinkling of plastic wine glasses.

It was the 2nd Annual SBA-Sponsored Wine Tasting Party and the vino was flowing at a rate that would've been the envy of both the French and the Italians. Rumor had it that the wine had been smuggled in from the Bordeaux by a bearded, hell-raising soldier of fortune named Don Diego. I saw no sign of the Don but the next thing I knew I was staring down the neck of a bottle held by the Don's cousin — Zin Fandel of Los Hermandos. Zin is a zesty first year student who is now beginning to mellow with age. As he ushered me in I realized he had come directly from a crowded classroom and I sensed that he still retained a somewhat "tort" bouquet.

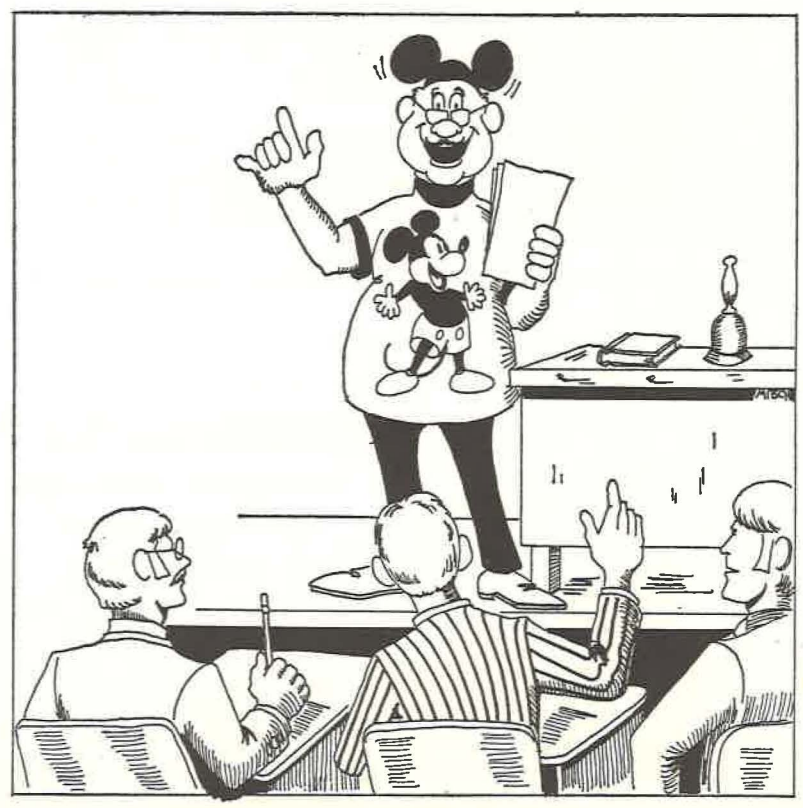
Excusing myself from Zin, I made my way through the crowd. I had spotted two sisters, Rose and Blanc, over in the corner and I thought I'd give them a try. Rose tasted as lovely as she looked and had an appropriate hint of sweetness, while Blanc with a somewhat dryer personality mixed well with the saltines over at the cheese table. Lee Fraumilk and Bo Joelay were over by the stereo system. Bo, full bodied in a red suit, added a touch of spice, while Lee provided a lighter touch.

Everywhere I looked I observed a varied cast of characters who had assembled for the event — from those who, unable to find a fireplace within which to smash their glasses, made use of a massive desk, to others who were happy to sit and sip and listen for the drawing of door prizes. In the end the only studying I did that night was of labels. Apparently I studied too long and hard for the wisdom I absorbed weighed heavily on my head the next morning. But no sour grapes, I think it safe to conclude that everyone had a good time and it was a most enjoyable break from studying. So, if you would now pass me those aspirin . . . .

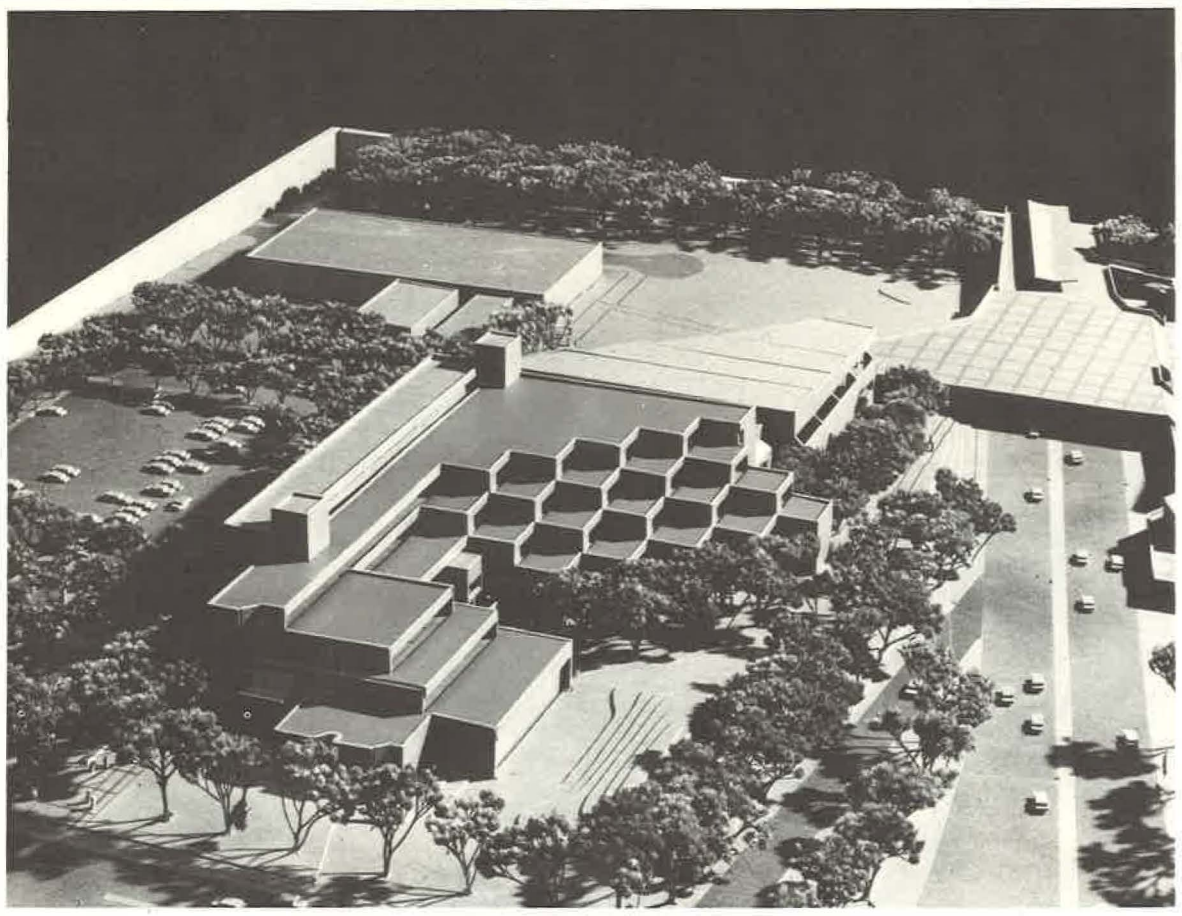
Attorneys and Solicitors

"Having stumbled upon **Attornies** and **Solicitors,** I would wish to have leave to ask, what is the real history of the change that has so recently taken place, (in country places particularly), in regard to these two titles and designations? We have now in reality no Country Attornies; they are all Solicitors. I know that the terms are in great degree convertible; that an Attorney may in certain circumstances act as a Solicitor, and a Solicitor (I believe I am correct) as an Attorney; but there seems to be a little pride in the recent substitution of one title for another, which I do not quite comprehend."
Nares, **Heraldic Anomalies;** or, Rank Confusion in the orders of Precedence (London, 1823).

(Editor's Note: The reader will recall that in the days when there were separate courts of law and equity, the legal practitioners were called attorneys while the equitable practitioners were called solicitors. Some individuals were admitted to practice in both courts.)



"All Right Students, Answer When I Call Your Name . . . Ralphie, Tommie, Herbie . . ."



Architects model of new U of M law school

U of M Law School Builds on West Bank

by Tom Scott

Construction of the new University of Minnesota Law School building began in February.

The $13.7 million structure will be located just west of the Auditorium Classroom Building on the University's West Bank Campus. Completion of construction is expected by November, 1977, according to Associate Dean Robert Grabb.

The February 9 groundbreaking followed a six-year effort to gain legislative approval of the project. The new building was first proposed to the legislature in 1969. In 1974, $400,000 was approved for working drawings, with a final appropriation of $12.3 million for construction in 1975. The remaining $1.4 million cost of the building is financed through private contributions.

The original plan presented to the legislature consisted of a five-story structure which would house a student body of 1000 and a 60-member faculty.

The legislature, however, approved a modified design which eliminated the fifth floor of the building, effectively cutting the number of faculty offices to 45 and limiting enrollment to 800. Present enrollment is 700 with a 32-member faculty.

The new building by Parker-Klein will provide space for a 550,000 volume library, billed as the sixth largest law school library in the country. A courtroom area is designed to hold actual jury trials which can be observed by students in their classrooms through the use of closed-circuit television.

Attorney advertising —

ABA loosens the rules

by Carol Lee

On February 17 the American Bar Association voted to allow lawyers to advertise basic information concerning their practice of law in law lists, legal directories, and the telephone directory yellow pages.

This decision was made after a three hour debate of the ABA's House of Delegates, with 158 delegates in favor of a more liberalized approach to legal advertising, 108 opposed.

The move by the ABA was generated in part by a 1975 Supreme Court decision in **Goldfarb v. Virginia State Bar.**

The plaintiffs in this case instituted a class action based on the defendant's alleged violation of §1 of the Sherman Act by maintaining a minimum fee schedule for title examinations.

The Supreme Court found in favor of the plaintiffs, calling the minimum fee schedule "an unreasonable restraint on trade."

The focusing of public attention on the issue of attorney's fees caused the President of the ABA to request the Standing Committee on Ethics and Responsibility to review the sections of the Code which provide for limited advertising.

Disciplinary Rule 2-102 of the Code of Professional Responsibility was subsequently amended on February 17.

The proposal accepted by the ABA was not that of the Standing Committee on Ethics and Responsibility. The committee's proposal have permitted almost unlimited advertisement of any relevant facts about a lawyer and his law firm and their practice that do not contain a false, fraudulent, misleading or deceptive statement or claim.

The ABA instead adopted the more restrictive proposal suggested by another group, the Standing Committee on Professional Discipline.

The amendment to DR 2-102 (A) (5) & (6) expands the type of material that may be published in a list or directory, but limits the methods in which this may be done.

In addition to basic factual information such as the name and address of the law firm, and schools the lawyer has attended, a lawyer may now list: normal office hours, a statement of standard fees, the possibility of credit arrangements, types of services available, use of paralegals and law clerks, and any other relevant data concerning the firm.

The amendment also provides that a lawyer may indicate a specialty if he or she has been approved by a state certification board.

If the lawyer is not certified in a jurisdiction, this must be pointed out in the listing; or, if the jurisdiction does not make provision for certification, it must not be implied.

In Minnesota, the Supreme Court has the authority to decide what the requirements are for holding oneself out as a specialist.

The amendment to the Code will not be effective in Minnesota until it is approved by the Supreme Court, which has the jurisdiction to change the Code of Professional Responsibility in this state.

Lawyers' fears that the decision by the ABA will grant wide license to advertise their services is unwarranted, according to the decision-makers.

The Rule points out that "all such published data shall be disseminated only to the extent and in such format and language uniformly applicable to all lawyers."

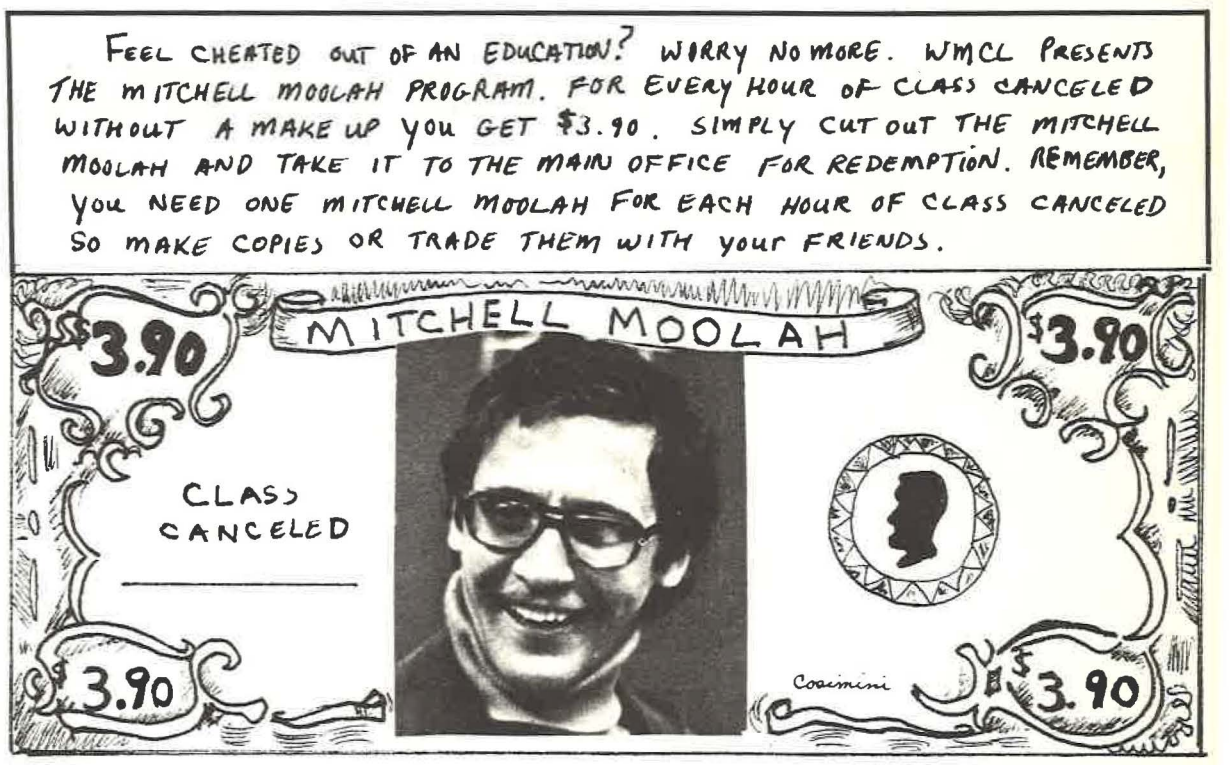
This requirement is to insure that a lawyer will not be selected solely on the basis of the superiority of an advertisement.

It will also alleviate any problems that might arise due to a smaller law firm's economic inability to pay for competitive advertisement.

The Coif

"It is a round piece of lawn or cambric, covered all but the edge with black silk, taffety, (or I know not what) but supposed to represent the corona clericalis, intended to hide the Tonsuram Clericalem, or shaven pate of those in holy orders, which the Members of the Law in former times generally were. It is now placed upon the hinder part of the wigs of all Sergeants (at Law) and Judges."

Nares, **Heraldic Anonalies** (London, 1823).



courtesy Minnesota Historical Society

Looking West on Summit Avenue from the Cathedral

Burger preserves Summit Avenue Zoning

by Robyn Hansen

Summit Avenue, on which William Mitchell College of Law has resided for the past 18 years and will continue to reside for at least the immediate future is a tree-lined boulevard, elegant in nature and attitude. It differs from other metropolitan avenues in that its residents are not subject to the requirements and restrictions of zoning ordinances passed by their municipality but are instead the beneficiaries/victims of the elegance mandated in the first quarter of the Twentieth Century by the then owners of Summit Avenue real estate and their St. Paul City Council.

Between 1917 and 1922 the Council, upon petition of 50% of the Summit Avenue property owners, acted under authority granted by the Minnesota Legislature (Laws 1915, ch. 128; Minn. Stat. §*462.12* **et. sez.**) to create a Restricted Residence District (RRD) along Summit from its intersection with Selby Avenue to the Mississippi River by condemning the abutting property for all uses except single or double family dwellings, schools and churches. Benefits were levied and awards for damages made where found necessary by city appointed appraisers.

A number of cases have reached the Minnesota Supreme Court concerning the RRD's which have been enacted (Minn. Stat. §462.12 **et. seq.** applies to all Minnesota cities of the first class. The Kenwood area of Minneapolis is an example of another RRD) and have made clear the following:

1) Since the restrictions placed on the property within an RRD aid city planning, promote contentment and enhance appearance, there is a public purpose sufficient to maintain an eminent domain proceeding even though the public will not physically possess or use the property. ***State ex. rel. Twin City Building and Investment Co. v. Houghton,*** 144 Minn. 1, 176 N.W. 159 (1920).

2) The City Council may, as it did on Summit Avenue, exclude from the condemnation proceeding the RRD tracts of land containing expensive structures. Their judgment will not be set aside unless plainly contrary to law. **In re Establishment of RRD (City of St. Paul v. Scott),** 151 Minn. 115, 186 N.W. 292 (1920).

3) The RRD is separate from municipal zoning ordinances enacted pursuant to Minn. Stat. §462.18 **et. seq.** and zoning ordinances will not be effective to ease the restrictions created by the RRD or to impose more stringent standards, **Strauss v. Ginzberg,** 218 Minn. 57, 15 N.W.2d 130 (1944); **State ex. rel. Madsen v. Houghton,** 182 Minn. 77, 233 N.W. 831 (1930); **State ex. rel. Sheffield v. City of Minneapolis,** 235 Minn. 174, 50 N.W.2d 296 (1952).

4) A 1943 amendment to Minn. Stat. §462.12 empowering the City Council to authorize interior remodeling which would result in the conversion of a single or double family dwelling into a dwelling for up to four separate families is invalid, **Burger v. City of St. Paul,** 241 Minn. 285, N.W.2d 73 (1954). The establishment of an RRD creates rights in the landowners comparable to reciprocal negative easements existing under a private restrictive covenant. These rights are "property within the meaning of the Minnesota constitution and cannot be taken without compensation." **Burger,** 64N.W.2d at 77.

The **Burger** case was instituted by the William Mitchell alumnus and now Chief Justice, Warren Burger, to enforce the terms of the Summit Avenue RRD and enjoin his neighbor from converting his single family dwelling into a fourplex. Permission for the remodeling had been granted by the St. Paul City Council over the objection of Mr. Burger and against the recommendation of the Board of Zoning. This procedure was held invalid as being neither the exercise of eminent domain nor police power through zoning. Since it had been earlier established that zoning ordinances were ineffective to remove the RRD the only option available under **Burger** to the landowner who wishes to be free of the RRD is a second condemnation proceeding allowed under Minn. Stat. §462.12 upon petition of 50% of the landowners who will be affected. Although not further tested by the Minnesota Supreme Court, this holding may be vulnerable.

An issue urged unsuccessfully by the defendant in **Burger** was that conditions existing along Summit Avenue had changed to an extent that made imposition of the RRD limitations unduly burdensome to the individual property owners. Twenty-two years later that argument may have enhanced merit and may subject the restrictions to the provisions of Minn. Stat. §500.20 which limits the duration of certain covenants or restrictions to 30 years after the date of their creation.

Since the RRD along Summit Avenue is now over 50 years old it may also be affected by the Minnesota Marketable Title Act, Minn. Stat. §541.023 which presumes that the owner of a propery interest which is over 40 years old who is not in possession of that property interest, or subject to another of the exceptions found in Minn. Stat. §541.023 subd. 6, has abandoned that interest. This presumption is rebuttable by a showing that the owner has filed the required notice of claim.

The issue of whether or not Minn. Stat. §541.023 is applicable to a reciprocal negative easement such as that found by the **Burger** case has been approached in two Minnesota State District Court cases. The Fourth District, Hennepin County, in the 1967 case of **State v. Heim,** Condemnation File #444, in finding the statute applicable, removed an RRD allowing the petitioning landowner to collect damages in a condemnation proceeding based on the highest and best use under the Minneapolis zoning ordinance classification which was at that time high-density-office-residential, rather than a lower award under the RRD. However, the Second District, Ramsey County, summarily dismissed the issue in the 1973 case of **Costello v. Skinner,** File #389804. In that case petitioners sought to be governed by the St. Paul zoning ordinance which would have allowed them to operate their Summit Avenue home as an American Youth Hostel facility.

For the present owners of property along Summit Avenue the removal of the RRD would have little immediate impact. The St. Paul zoning ordinance which went into effect on October 24, 1975 places Summit Avenue in the most restricted of residential districts, one-family residential. But, whereas the RRD is inflexible, the zoning ordinance would allow Summit Avenue landowners to petition the City authorities for relief ranging from a special use permit in the case of a use specifically permitted subject to approval (examples of permitted uses under the ordinance are agricultural uses on parcels of not less than 5 acres; cemeteries; golf courses; residential group homes; colleges; and private non-commercial recreational areas), to a variance which may be necessary where the landowner faces practical difficulties or unnecessary hardship in carrying out the strict letter of the ordinance. This relief, granted in accordance with desirable city planning objectives and under the watchful eye of other Summit Avenue landowners would seem to be a healthy alternative to the present rigid restrictions imposed by another era.

Summit Avenue proclaims glory of the past

(Editor's Note: Ernest Sandeen is professor of history at Macalester College.)

by Ernest Sandeen

Summit Avenue is a monumental boulevard of houses, churches, synagogues and schools that stretches westward from the Saint Paul Cathedral to the Mississippi River. On the four and one-half mile walk down the avenue one passes mansion after mansion. Each is immense and imposing, and each proclaims that a wealthy and powerful family was responsible for its construction. In the last century in order to command a view from Summit Avenue, one must first have learned to command money and men.

Streets like Summit Avenue were not uncommon in the nineteenth century. Chicago had its Prairie Avenue. Minneapolis had its Park Avenue. Cleveland had its Euclid Avenue. New York had its Fifth Avenue. All were similar and perhaps grander than Summit Avenue. However, Summit Avenue is unique in one respect. It still exists, and it has retained most of its original grandeur. Today St. Paul's Summit Avenue is the best preserved American example of the Victorian monumental, residential boulevard.

Where did the glory and grandeur of Summit Avenue begin? From where did the men and money who build these mansions come? At first there was only a bluff, a remote and unprotected bluff. In 1859, just two decades after Pierre Parrant built the first structure (a grocery shop cum saloon) in what is now St. Paul, at least six adventurous families had built houses on the edge of the bluff that is now lower Summit Avenue.

The first house was constructed by the Rev. Edward Duffield Neill. He was the first minister of the House of Hope Presbyterian Church, which is now just down the street from OLP. He was also one of the founders of another Summit Avenue institution, Macalester College. Neill's house was demolished in 1887. In fact, of the six pioneer structures along Summit Avenue, only the Smith - Driscoll House at 312 Summit remains. This proud house is now the oldest on the avenue. It has for more than a century housed generals, mayors, merchants and even a president. Benjamin Harrison once stayed there during a short visit to St. Paul.

Some of the men who built on the avenue were from aristocratic Eastern families. One such man was Crawford Livingston, a direct decedant of Robert Livingston. In 1686 the British Crown granted Livingston Manor to Robert Livingston. Livingston Manor was an estate of 120,000 acres on the Hudson River where the Livingstons lived for several generations in feudal fashion as Lords of the Manor.

But most of the Summit Avenue builders were immigrants or nouveaux riches. They came from the eastern United States. They came from Pennsylvania, New York, Ohio and New England, and they were people like Edward H. Cutler and the Noyes brothers, Daniel and Charles. These three were Yankee partners who built a prosperous wholesale drug firm across from Smith Park. They also lived near each other on the avenue. Charles Noyes lived at 294 Summit; Daniel Noyes lived at 366 Summit; and Edward Cutler lived at 360 Summit.

There were Germans too. A number of them were first generation immigrants like Maurice Auerbach. Auerbach was a Prussion immigrant who built the mansion at 400 Summit in 1881 from the profits of his dry goods business. He lived in it long enough to remodel its Queen Anne exterior into the chateau style early in the twentieth century.

There were Irish as well. Philip Francis McQuillan was a wholesale grocer whose daughter and son-in-law lived at 599 Summit. McQuillan's grandson, F. Scott Fitzgerald, came home to this house in 1919 to write **This Side of Paradise.**

The early builders of the avenue represented many professions and many national backgrounds. However, most of the first residents were businessmen involved in transportation, lumber and wholesale merchandising. James C. Burbank left his native Vermont in 1850 and built a pioneer network of stagecoaches and steamboats in Minnesota. He invested much of his profits in the Italianate house at 432 Summit. The house cost $22,000 in 1863.

But perhaps the most noted of these men was James J. Hill. Hill was a Canadian of Scots - Irish ancestry who worked his way from clerk to railroad mogul. His huge brownstone mansion, which is the largest house on the avenue, cost over a quarter of a million dollars to build. It symbolizes the dominance of the railroad in St. Paul's history.

What was it like to live in one of these mansions? In most cases there would have been a bustle of human activity. Victorian households were run by people and not machines. As a rule, the families that made up the households were large. There were children, parents, grandparents, a maiden aunt or bachelor uncle and perhaps even a boarder such as a junior employee of the father's firm.

Servants were needed for a family this large. And everyone had them. The average number was four, but James J. Hill had thirteen. Servants were most often Swedish, although sometimes they were Irish. The cost of running such a household might seem exorbitant. However, one should note that all social life, apart from the churches, was centered in the home. The restaurants, clubs and hotel ballrooms became part of St. Paul social life only after the turn of the century.

Since servants ran the kitchen, that room was found in the basement of many Summit Avenue houses. Maids' quarters were usually on the top floor. Sometimes they could only be reached by a special staircase. Grooms and coachmen usually lived above the horses in the carriage house. The carriage house often cost nearly as much as the main house. Of course, the servants would not share meals or social occasions with the family. The only exception was the seamstress who came several times a year to sew for the women. She seems to have been considered the equal of her employers.

No history of the avenue would be complete without acknowledging the place of the horse. When Summit was widened and extended in 1886, the architects envisioned a vast promenande of horses, carriages and sleighs, sweeping along this elegant boulevard. This scene was soon destroyed by a new invention — the automobile. By the time F. Scott Fitzgerald wrote about the avenue in the 20's, he was describing it from the front seat of an open roadster, and the great promenade was over.

Law school is tougher now:

Judge Nordbye Reflects

by Linda Jenny

Law school is "tougher" now than it was in 1912, according to Gunnar H. Nordbye, retired judge of the U. S. District Court in Minnesota.

"The football players used to end up at law school because that was the easiest place to go," Nordbye says. "I wanted to be an engineer when I was younger, but I was very poor at mathematics so I tried to appraise myself and decided to go to law school instead. I think I made the right choice."

Judging by his legal career, it would certainly seem that Nordbye assessed his personal strengths correctly.

Nordbye was born in Urskog, Norway, in 1888 and came to America with his parents that same year. He graduated from Granite Falls High School in 1906.

After graduation he taught in a two-room school house near Granite Falls for two years. He used to skate down the river to work during the winter.

At that time it was possible to go directly from high school to law school. But Nordbye wanted to "broaden his foundation" so he took English and economics classes at the University of Minnesota for a year before entering law school there.

While a student he worked as a waiter, a "rodman" for the U. S. Geological Society, and later as a law clerk.

He received his LL.B. in 1912. There was no Bar exam. He was simply sworn in by the Minnesota Supreme Court.

He practiced law with the lawyer with whom he'd clerked as a student until 1922 when he was appointed municipal court judge. Three years later he was appointed judge of district court and in 1931 President Herbert Hoover appointed Nordbye to the U. S. District Court.

Nordbye credits his friends in Minnesota with his rapid success. "The Bar here took hold and went to Washington to campaign for me," he says. "If I hadn't had their support, I wouldn't be here today."

"The vacancy in U. S. District Court came about because of prohibition," Nordbye says. "There were so many liquor cases in federal courts then that Congress created a new judgeship."

Unfortunately a senator who "wanted another man to get the job" opposed Nordbye's appointment to the federal post. Nordbye was forced to accept an interim appointment for six months, without pay, when Congress adjourned in 1931. For a married man with two children, "those times were mighty hard," Nordbye recalls. "Luckily I was hastily confirmed when Congress reconvened."

Nordbye only met Hoover once, when the President was changing trains. "All he said to me was, 'We had some trouble about your appointment, didn't we'? He had no great recollection about me," Nordbye recalls.

Since he first joined the Bar, Nordbye has zealously refrained from participating in any political groups. He says, "It isn't good sense. A judge has members of all political parties before him. There's bound to be a feeling that he's prejudiced if he gets too involved in politics."

Nordbye feels that "a lawyer, however, is permitted a degree of bias since he is an advocate. A lawyer should act with his client's interest in mind and should be well prepared to articulate his client's cause.

"There's nothing quite so pitiful as an unprepared lawyer," Nordbye says, "and I've seen plenty of them during my years on the bench."

The present group of lawyers in the Twin Cities is "better behaved than we used to be," he says. "Lots of lawyers when I was a young judge were troublesome in court. They used to yell and come unprepared. That's very rare nowadays."

Nordbye retired in 1969 and now just takes "cases the judges ask me to try when they're busy.

"It's a good profession," he says. "Now I'm glad engineering wasn't my avenue."

PARA LEGAL from page 1

thusiastic, however, that it was quickly shifted to General College and placed on a more solid foundation. From the beginning there have been four applicants for every available place. The program is conducted in both day and evening divisions with a class of twenty-five being admitted annually to the day division.

It is a two-year course consisting of a core curriculum of general education classes like English composition and introductions to psychology, economics, political science, accounting and data processing. Also there are introductions to law, legal procedure and legal ethics. Thereafter the student may choose six "legal specialty" classes — short four-credit quarter classes covering the law in such areas as business organizations, property, tax, litigation, criminal law and family law. Classes are small: The faculty - student ratio is about one to eighteen. Emphasis is on the practical side and document drafting is stressed. In addition each student does a six credit internship with a local firm, corporation or agency to put his classroom learning to work.

Most legal classes are taught by part-time instructors drawn from the local bar; exceptions are the family law and criminal law classes which draw on staff from the University of Minnesota Law School. Further connecting the para-legal program and the law school is a $30,000 grant from the ABA Council on Legal Education for Professional Responsibility (CLEPR) to train law students to work with and utilize para-legals.

The para-legal programme was accredited last summer by the ABA and Dr. Allan Johnson of General College (the temporary head of the program) indicated that graduates have had little difficulty securing positions. Most seem to find employment with large law firms, the others with corporate legal departments and government agencies. He did note, however, that he has even had inquiries from small out-state firms.

Upon completion of the legal assistant program, the student receives an Associate of Arts degree (AA) and a legal assistant certificate.

OLP rules were strict but life was fun

by Georgia Holmes

An exclusive **Opinion** interview with an alumna of Our Lady of Peace High School indicates that William Mitchell College of Law has indeed chosen the right building in which to relocate. According to Kathy McDonough, discipline at OLP (pronounced "olup") was strict, but the education was first rate.

Mrs. McDonough was a member of OLP's third graduating class, the class of 1957. When she was a student, students stood to recite. There was no talking in the halls. Nor was talking allowed in the lavatories. Students walked single file between classrooms. In the cafeteria, then known as the tea room, no talking was allowed until everyone was seated. This did not leave much time for conversation, because the lunch period was short.

Uniforms were required, the uniform consisting of a navy blue blazer and skirt, a white blouse and blue oxfords with white soles. Students were required to wear white anklets over nylons. Uniforms always had to be ironed, and the skirt had to be worn exactly two inches below the knee.

To insure that rules regarding the uniform were followed, the Sisters of the Blessed Virgin Mary sometimes pulled surprise inspections. Mrs. McDonough intimated that some girls would only iron their blouses around the collar. Inspections frequently revealed the remainder completely untouched by the iron. At the time she was there, seamed nylons were the only ones available. When they were not wearing the required nylons, girls would sometimes paint thin lines up the backs of their legs just to see if the nuns would notice.

The penalty for such infractions was always detention. Detention was for 35 minutes after school. If a girl skipped out on detention night, she was given three additional nights to serve.

At graduation the girls built a bonfire to burn their uniforms. Before dispatching their garments to the flames, however, they had to remove the triangular identification patch bearing the OLP emblem.

At the end of their junior year, students were officially installed as seniors in an elaborate ceremony that instilled in them the notion of responsibility for the school. The day started with mass and holy communion. There was also a pageant for the mothers of the students at which each girl presented her mother with a rose. Then, at the ceremony, the girls were given blue and gold ribbons, which they wore on their uniform throughout their senior year.

When the new addition was to be built, all of the students worked on the school's building fund. In fact, a majority of the work for the million dollar project was done by the students under the direction of the nuns. It was the students who called individuals to solicit money. Said Mrs. McDonough, "It was a big school project. We were all made to feel a part of it." She herself landed one of the larger pledges — $5,000.

Despite the strict discipline, the school was liberal considering the times and was in no sense cloistered. The school had an excellent dramatic department which not only put on plays, but also participated in both state and national conferences.

The nuns spent many evening hours working with students on special projects such as term papers and science experiments. They also developed an active sports program in which almost everyone enrolled participated.

The school drew its students from all over town, and the dedicated nuns made school interesting. Summing up her experiences at the school, Mrs. McDonough said, "The nuns were fantastic, even if the rules were strict."

Alumni President can not say, 'No'!

by Candy Clepper

Gordon W. Shumaker ('71), is a man who can't say no to work. "When people ask for my help, I can't seem to refuse." Consequently, he is now involved in developing a legal assistant program at Inver Hills Community College. And last December he was elected President of the William Mitchell Alumni Association.

As alumni president, Shumaker plans an extensive fund - raising drive. He has a three - stage campaign outlined. "First, we will contact alumni, by letter hopefully, enclosing a brochure advertising the school and answering questions of alumni about the school. Second, wherever possible, the letter will be followed by personal contact and, third, there will be a telephone contact.

His basic approach in seeking funds will be that Mitchell has benefited its alumni and that alumni can reciprocate with time or money. As he puts it, "Without being sentimental, if it weren't for Mitchell being a night school, alumni with full - time jobs or families could not have become lawyers." He hopes alumni will feel they have an obligation to Mitchell and will contribute in any way possible.

The thrust of this year's campaign drive will be in the spring, starting in April and substantially finished by early summer.

The exact details of the fund-raising campaign will be worked out among the alumuni officers and a professional fund-raiser to be hired by the Board of Trustees, "A professional will assess the needs of the school as well as the amount alumni should be able to contribute."

Shumaker would also like to involve both students and parents of students in the campaign. If they cannot contribute financially, he hopes they will contribute time. "I hope everyone will pitch in and make this a joint effort." He mentioned that student bar representatives are already helping to prepare the brochure to be sent out to alumni.

In the rest of his year as president, Shumaker would like to concentrate on setting up a continuous program of soliciting funds from alumni. "I've never received a request for contributions since graduating from Mitchell."

Another extensive project of Shumaker's is the setting up a legal assistant program at Inver Hills Community College. Having taught business law for three years at Inver Hills, he was asked to help develop this new program. "I just couldn't turn them down." Now he teaches legal writing, introduction to law and business law three mornings and two evenings a week. His approach to teaching is to "keep the material as practical as possible." To do this he says, "I try to relate the theory to my own experiences as a lawyer or to the experiences of other lawyers."

Teaching is not a new experience for Mr. Shumaker. After taking a B.A. in English from the College of St. Thomas he stayed on a year and earned a Masters Degree in teaching in 1965. He then taught high school English at St. Bernard's till a year before his graduation from Mitchell in 1971. He claims he switched professions because "a lawyer friend of mine taunted me that I could never make it through law school."

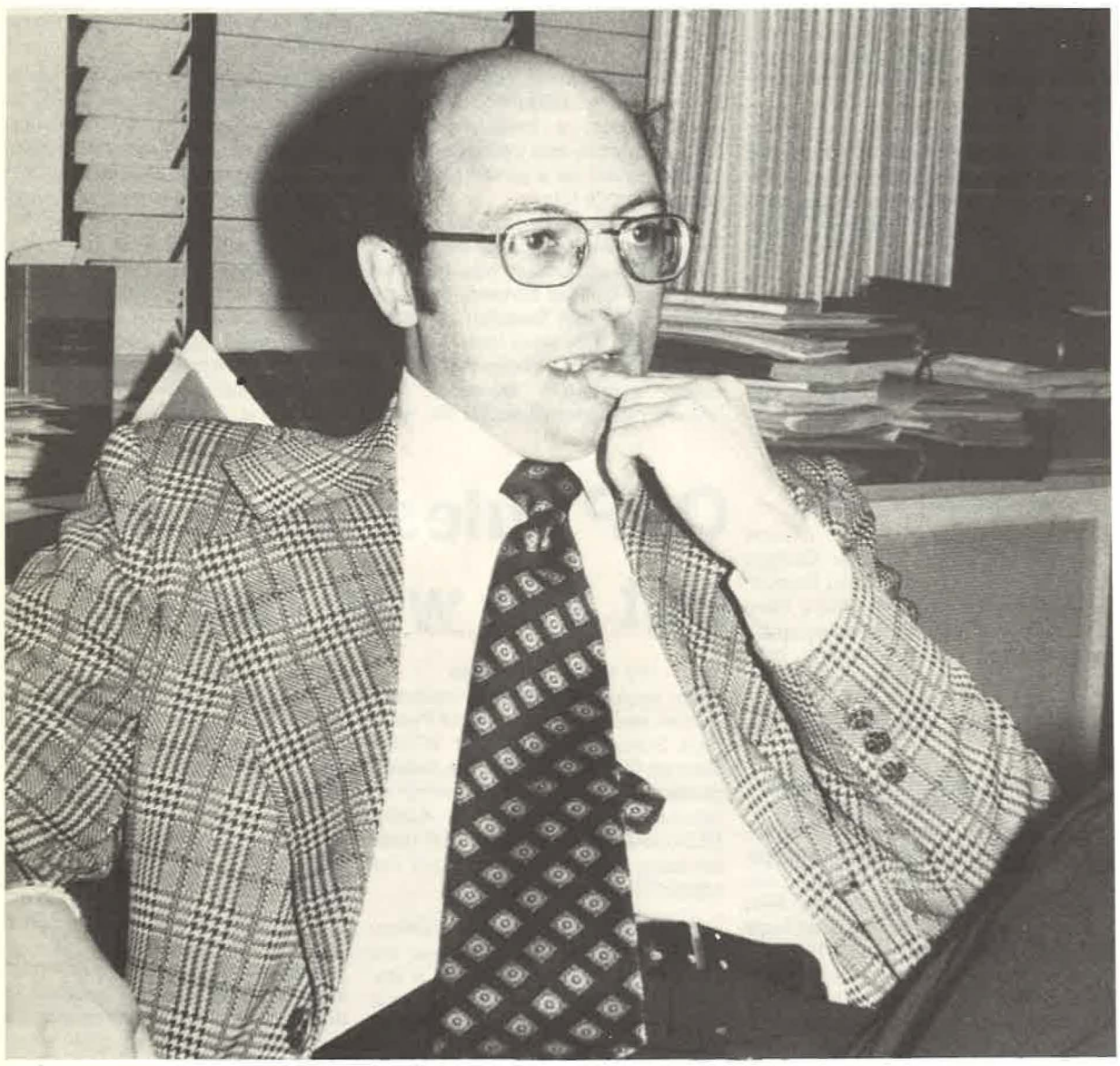
During his last year of law school he clerked for the firm of Meier, Kennedy and Quinn with whom he is now practicing. Although he handles all types of legal work, he concentrates on litigation and trial work — "everything from personal injury suits to breach of contract."

A comparatively recent graduate of Mitchell, he has seen no evidence of a severe shortage of jobs or work for potential lawyers, provided they do not limit themselves; "I am swamped with work and the lawyers I talk to all say business is booming." He sees government agencies and out-state areas as the most fruitful sources of employment.

Shumaker feels the clinical courses offered at Mitchell are an excellent preparation for lawyers. He participated in such a program with the Bloomington City Attorney's Office. "Because they were short-handed, I was allowed to handle almost every aspect of trying a case."

Shumaker doesn't see alumni or alumni officers taking a more active role in determining Mitchell's curriculum or policies. However he notes that alumni are concerned about the effect of changes in the College. "Personally, I feel the changes are the result of the school meeting the need that is there. If we don't adjust, some other school will."

In more general terms he sees a trend in the law toward the recognition of specialties in the legal profession. He is presently serving on the Minnesota Bar Association Committee on Specialization. His committee is proposing a limited indication of a special competency on the part of the lawyer, as determined by the lawyer himself. "This can be on a letterhead, in the telephone book or on the door but cannot be a big neon sign outside the office." He added, "With so many laws in so many areas, it is becoming increasingly difficult for a lawyer to be in general practice. Law is becoming one profession where the old axiom 'a little knowledge is a dangerous thing' is true."



Alumni President Gordon Shumaker

Clinic resolves problems

by Mike Moriarity

In the March issue of the Opinion we featured a series of interviews with the William Mitchell Trustees. One, Mr. Leonard Keyes, is also a member of the Board of Directors of Legal Aid of Ramsey County (LARC). In his comments Mr. Keyes suggested that there had been some problems in some of the clinical courses taught at Mitchell. In an effort to find out what those problems were we talked to Albert Lassen, a LARC supervising attorney and member of the Mitchell faculty, and Roger Haydock, coordinator of clinical programs at Mitchell.

Haydock began by explaining that there had been some administrative problems concerning the control of clients' files at LARC. In the past, students were allowed to keep the files of the case on which they were working. When the case was closed, or when the student stopped working on the case, it was expected that the files would be returned to the office for storage.

Unfortunately sometimes they were not, and LARC was forced to track down students to recover the missing files. Needless to say, irreparable harm would result to a client if his file were lost before his case was closed. Haydock insists, however, that no client was ever in the least bit prejudiced or harmed by the fact that the files were temporarily misplaced or were out of the office. In the few instances where they had trouble recovering the files, (and they have recovered all of them) the cases were already closed.

Nevertheless the situation was recognized as potentially dangerous and LARC has revised its procedure. LARC now requires that all files be kept permanently in the office, and in only special circumstances are students allowed to take them off the premises. Haydock and Lassen both consider the file problem, if one ever existed, to be solved.

Another situation that has caused some problems arises when the semester ends and the student's class is considered completed, yet the case isn't. Up until last October students enrolled in the civil practice clinic were obligated to complete the case assigned them, even if it meant that they worked on it past semester's end. In October, George Shirley was named Director of LARC and he decided to drop the requirement. When the semester ended the case would be re-assigned to another student or transferred to a LARC supervising attorney.

One might question whether such a transfer would be detrimental to the client. But neither Lassen nor Haydock thought that it was. As Lassen views the situation it is the supervising attorney who is obligated to carry the case through to its conclusion. The student has an academic interest in the litigation but he is bound by time constraints. When the semester ends, he has other courses to concentrate on or a bar exam to pass. It would be unfair to the student to make him stay on the case if he did not want to. Therefore, the supervising attorney makes the decision whether it would be detrimental to the client to change students. In instances where the student has developed a close rapport with the client, or has reached a high level of expertise in a complicated or lengthy case, the student would be expected to stay on, and she is asked to do so.

Haydock shed more light on the "end of the semester rule" by pointing out that it is partially a question of distribution since there is a shortage of clients. He also observed that if a case lasts longer than a semester it usually means it is in advanced stage of litigation where the supervising attorney would be playing a predominate role.

In his view there are two primary considerations. One is that the client get the representation that he is entitled to. The other is that the student be exposed to a practical and rewarding methodological technique.

In the end it comes down to a case by case evaluation of how the client would be affected by a change of students, and how the student's other courses would be affected if he stays on the case past the end of the semester. Again Haydock and Lassen see no problem existing here. The dropping of the obligation would seem to be to the student's benefit. At the same time the client's concerns are considered and a decision acceptable and in the best interests of both is reached.

Golf Tourney

The Third Annual William Mitchell golf tournament and dinner will be held Monday, 28 June, 1976, at Majestic Oaks Golf Club in Anoka. All students, staff, trustees and alumni are invited.

Registration and check-in begin at 11:30 and continue until the 1:30 shotgun with dinner following immediately.

The price is $17.00 which includes dinner and green fees (also towel, locker, shower, sauna, tax and gratuities). Motorized golf carts are available for an additional $11.00.

Dinner will consist of prime rib, tossed salad, baked potato, vegetable, roll and butter, and beverage.

Trophies and prizes will be awarded. You are encouraged to form your own foursome.

Enquiries should be directed to the Alumni Office at the College, 2100 Summit Avenue, St. Paul, MN. 55105. The telephone number is (612) 698-3885.

ACLU Attorney Evaluates the Burger Court

by Edward Lief

Norman Dorsen, a New York University law professor and an American Civil Liberties Union (ACLU) attorney for 15 years, spoke in Minnespolis March 10.

Among his observations:

- "The Burger Court has not been an unmitigated disaster for civil liberties. But it is not nearly as good as the Warren Court."
- President Gerald Ford's nomination of John Paul Stevens to the U.S. Supreme Court was "very good for a conservative Republican President in an election year;" Justice Stevens is a "very able and fair person."
- Because there is now "a whole generation of Nixon judges," the ACLU has "begun to be more careful" about the federal district courts in which it brings cases.
- The ACLU position has generally been upheld by the Burger Court in major areas such as: church-state issues, the Pentagon Papers, abortion, and the rights of women, children, and aliens.
- The ACLU has "by and large lost" cases before the Court dealing with equal protection for the poor, such as access to housing and educational benefits.

*There may be some basis for concluding that the Supreme Court in the last few years has attempted to "avoid hard questions of basic principle," an example being its handling of the **DeFunis** case.

- What happens in the November elections is very important; judges do follow election returns and do read the newspapers. For example, the Supreme Court is very sensitive to public opinion on issues such as capital punishment and women's rights.

Frenzel urges tougher conspiracy penalties

Congressman Bill Frenzel of Minnesota is one of 14 House members sponsoring a bill to toughen penalties for violation of the conspiracy laws.

The bill, H.R. 10692, is authored by Congressman Henry John Heinz III of Pennsylvania. It seeks to amend Section 371 of Title 18 of the U.S. Code so as to allow individuals to be fined up to $100,000 and corporations $1 million, instead of the present $10,000.

Frenzel said the bill is designed to "bring conspiracy fines up to a level where they will serve as a deterrent to corporations and individuals who could stand to make millions in illegal operations."

Frenzel explained to the **Opinion** why he wants the law changed: "The current penalties are simply way too low in many instances to deter the kinds of individual and corporate wrongdoing the law was designed to discourage. To a company of any great size, a $10,000 fine cannot and will not serve as a deterrent when it stands to gain a thousand times more than that from illegal activities." He added, "The American consumer deserves decent protection against corporate fraud, and the current law simply does not provide that protection."

The bill is in the House judiciary committee but no hearings have been scheduled yet. Frenzel said it is "too early to speculate on its chances of passage," but added, "The fact that the last Congress voted to apply similar penalties for corporations found guilty in anti-trust cases may be a good omen."

Women's Conference airs views on law

by Susan Strand

The Seventh National Conference on Women and the Law was held at Temple University School of Law in Philadelphia from March 12-14. Over 2,000 men and women from many law-related fields participated. Attorneys, law students, para-legals and divorce counselors were among those attending the myriad of workshops which focused on the status of women in our legal, political and economic systems.

For the first time in its seven - year history, the conference, which began at New York University with 10 participants in 1969, was financially successful due in part to such diverse donors as the Law Division of the ABA, U.S. Steel Corporation, Playboy Foundation, Mobil Oil Corporation and the NOW Legal Defense and Education Funds. Seed money from this conference will be available to aid the planners of the Eighth National Conference to be held in March of 1977 in Madison, Wisconsin, and the regional conferences to be held throughout the country.

The enthusiasm generated by the conference resulted in lively discussions within and without the workshops on a variety of problems and alternative solutions. The participants exchanged information on the legal aspects of the women's movement and shared ideas and strategies for promoting its aims. Organizations such as the American Civil Liberties Union, National Lawyers Guild and the League of Women Voters provided those in attendance with a wealth of printed information on their activities, as well as lists of sources for additional material on specific issues. Copies of all handouts collected at the conference are available through the William Mitchell Women's Caucus.

The workshops were scheduled into clusters of related topics as well as free - standing sessions to allow participants to sample diverse concerns or concentrate on specific areas in-depth. A sampling of workshop offerings follows:

SEX DISCRIMINATION IN ELEMENTARY AND SECONDARY SCHOOLS — This session provided an examination of the implementation of Title IX, denying federal funds to educational organizations or institutions that discriminate on the basis of sex. Responsibility for enforcing Title IX rests with HEW. NOW Legal Defense and Education Fund operates PEER (Project on Equal Education Rights), which monitors enforcement progress under federal law prohibiting sex discrimination in education. Reprints of PEER's summary of Title IX regulations and copies of their newsletter are available free of charge from PEER, 1029 Vermont Avenue NW, Suite 800, Washington, D.C. 20005.

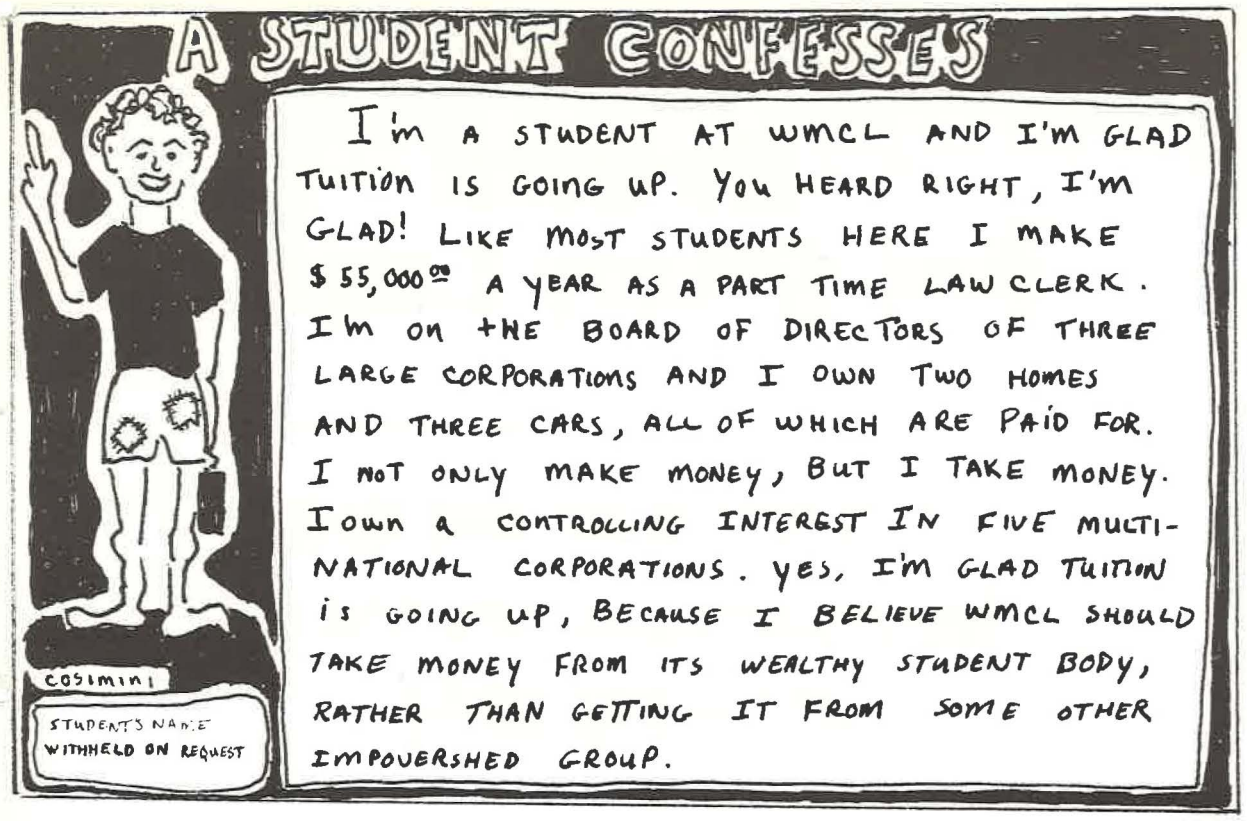
CREDIT — This workshop focused on the Equal Credit Opportunity Act, which outlaws discrimination on the basis of sex or marital status in any aspect of credit transactions. Among other innovations made law by this act, all creditors are required to keep the names of both parties of a married couple on credit records of new accounts as of November 1, 1976. For accounts opened prior to this date, both names must be recorded upon request. Presently, credit records are usually kept only in the husband's name, making it difficult for a widow or divorcee to obtain credit. Publication of brochures containing relevant information for credit applicants was suggested as the most effective way to insure widespread knowledge and use of the provisions of this act.

ABORTION CLINICS — This presentation dealt with the practical considerations involved in the establishment and maintenance of an abortion clinic. Pertinent issues considered by this panel included the range of services to be offered by the clinic and the sources of original funding, as well as the possible ramifications of that funding upon the internal structure of the clinic. Panelists debated the comparative merits of medical and supportive services in abortion clinics. A representative from CHOICE (Concern for Health Options: Information, Care and Education) explained the criteria that organization uses in its evaluation of Philadelphia - area abortion clinics. Further information on the evaluation process and the organization of CHOICE may be obtained by writing to CHOICE, 1421 Arch Street, Philadelphia, Pennsylvania 19102.

LEGAL AND ECONOMIC RIGHTS OF UNRECOGNIZED FAMILIES — This workshop dealt with the legal and social status of the non-traditional family in our society. This type of family structure is exemplified by homosexual couples, communal groups and unmarried couples. The members of the panel concluded that the parties involved in any relationship should have the right to legally define that relationship. They also concluded that the law should recognize the definitions and, as a result, grant legal and economic rights to both traditional and non-traditional families. The American Civil Liberties Union is presently conducting a family relationship study of the law's effect on various family forms.

Following the workshops, Katherine Ellison, former consultant to the New York City Police Department's Sex Crimes Analysis Unit and teacher of sex crime victimology classes for the New Jersey State Police and Newark Police Department, addressed the crowd prior to a reenactment of the Inez Garcia trial. Ellison has been an expert witness at a number of rape - related trials including the Inez Garcia and Joan Little trials and has done extensive research into the psychology of the rape victim. She emphasized that physical control is the key factor distinguishing consensual sex from rape. Since the purpose of institutions such as prisons is to deprive the inmate of control and to vest it in the staff, any sexual relations between inmate and guard must be defined as rape. She went on to state that under such circumstances, free consent is meaningless because the guard has complete control over the inmate. Ellison also stressed the importance of medical and psychological care for the rape victim.

Eleanor Holmes Norton, who chairs the New York Commission on Human Rights, was the conference's keynote speaker. She pointed out that increases made by women and minorities in terms of percentage of the total work force are wiped out with each recession of the economy. The main thrust of the feminist movement, according to Holmes Norton, should be to initiate alternative forms of employment and shared shifts in times of economic hardship. In this way, the seniority built up by minorities and women in jobs is not lost with each downturn of the economy. She urged legislative action to allow workers to qualify for unemployment benefits for the days and hours given up for shared shifts, providing a viable alternative to layoffs.



91% Find employment

Employment patterns of the class of 1975 differ little from those of the class of 1974, according to a survey taken this winter by Placement Director Debra Radmer.

Of the total of 188 graduates, 171 or 91 per cent responded to the survey. A total of 155 or 91 per cent of these reported having found employment.

This year, as last, the majority of those reporting employment said they were engaged in private practice. Governmental positions claimed the next highest figure and business concerns, the third.

Of the total of 79 in private practice this year, 42 entered small law firms, or those with one to five members. Medium size firms of six to 15 members claimed 18, while 13 said they were self-employed. Four entered large law firms of 16-50 members and two joined very large firms with over 50 members. Two were working in indigent legal services.

Those in governmental positions totaled 33. Two were employed in legal federal positions, one each in state legislative and executive positions and four with other state agencies. The largest number, 19, said they were working with local government.

A total of 29 new alumni reported employment by business concerns. Legal departments of corporations claimed nine, insurance companies, four; and a bank, one. Two others went to Northern States Power Company and Northwestern Bell, respectively. Four new graduates were employed in non-legal departments of banks, and one in a non-legal department of a corporation. Eight said they were employed in miscellaneous, non-legal jobs.

Four members of the class were in state judicial clerkships, one in JAG, three in non-legal teaching positions and two in graduate school. One graduate was employed by Continuing Legal Education and another was a probation officer for the Hennepin County Juvenile Division.

Salaries of the new graduates had a wider range this year, from $3,000 to $25,000, compared with $9,600 to $16,500 last year.

This year salaries in small law firms ranged from $18,000 to $9,600, with an average of $12,894; medium firms, $18,000 to $11,000, with an average of $13,400; large firms, $17,200 to $12,000, with an average of $14,633; and very large, $17,500 to $17,000, with an average of $17,250.

Those in indigent legal services received from $8,500 to $3,000, with an average of $5,750.

Salaries for legal departments of business concerns included corporations, $25,000 to $12,000, average $17,020; insurance companies, $16,500 to $13,000, average $14,250; and other, $23,000 to $18,000, average $20,500. Non-legal business salaries included bank, $16,000 to $11,000, average $12,666; corporation, $15,180; accounting, $17,000; and other, $25,000 to $17,500, average $20,333.

Legal federal government employees received $24,000 to $18,463, average, $21,231; state legislative, $16,000; other state agencies, $18,600 to $13,000, average $14,600; and local government, $17,100 to $13,000, average $14,668.

State judicial clerkships brought $15,000 to $12,000, average $13,600; teaching, $15,500; and other, $12,000.

GI bill aids over 100 Mitchell students

With fewer than two per cent of William Mitchell students receiving (partial) scholarships, one could not say that financial aid at William Mitchell is plentiful. For a student population of nearly 1000, there exist approximately twenty-five partial scholarships.

It is hardly surprising, therefore, that an estimated quarter to two-fifths of Mitchell students resort to federally insured student loans to finance their legal education. These loans have low interest rates and easy repayment plans; moreover, so long as the government continues to inflate the money supply, student borrowers receive a tax-free federal gift each year equal to the rate of inflation.

But the day of reckoning must come and loans must be re-paid, albeit in inflated currency; for the vast majority of students debtors have not resorted to relief in bankruptcy.

That leaves the G.I. Bill as the largest source of financial aid for students. The College estimates that over a hundred William Mitchell students are receiving G.I. benefits.

The size of a student's monthly check from the Veteran's Administration will vary from recipient to recipient depending on the individual circumstances. A single veteran receives a monthly check of $270 while a married veteran receives $321. There are additional increases for dependents.

Duration of benefits depends on length of service. A veteran whose stint in the forces lasted eighteen months or longer is entitled to 36 months of benefits.

All this adds up rather quickly. For the hundred Mitchell veterans it means about a quarter of a million dollars all told. The Veterans Administration estimates it spent $75 million last fiscal year on G.I. educational benefits in Minnesota. Of that sum William Mitchell's cut is not large proportionally — but who will sneeze at a quarter of a million dollars?

Evidence goes to court

by Stephen Parrish

On March 13 Judge Fitzgerald's evidence class had the unusual experience of attending class in the place where the rules of evidence are developed — the courtroom. On Saturday morning the class met in Judge Fitzgerald's courtroom in the Hennepin County Government Center.

Before the class began, the Judge gave the class a tour of his court and chambers. He commented, "Even though district court judges aren't paid well, the government does provide excellent chambers." The opulence of the spacious chambers confirmed the latter part of his statement.

The judge feels that there is a great need for law students to acquire practical experience while still in law school. This was one reason for having class in court. For many students this was the first time they had been in a courtroom, (and, perhaps, their last until after graduation).

Judge Fitzgerald stated, "I'll always feel strongly that it is important for law students to be exposed to some of the practical aspects of the law. Theory is essential as is analytical training. But, we must realize that law students will become working lawyers someday, and for this reason it is important that law students be given some practical experience."

Although nothing can replace the experience of witnessing a real trial in progress, the exposure to the courtroom set-up, the viewing of demonstrative evidence used in past trials, and the comments of a seasoned judge all provided the students with a welcome respite from the stolid atmosphere of College classrooms as well as a sound pedagogical experience.

Marcy Wallace:
the last generalist

by Candy Clepper

The youngest and first woman trustee of William Mitchell College of Law, Marcy Wallace, has a habit of being "first" at Mitchell. Wallace graduated first in her class and magna cum laude from Mitchell, where she also served as the first woman editor of the William Mitchell Law Review.

Her election to the Board of Trustees was a "real surprise and not something I had thought about." Last spring, after reading about the College's difficulties in obtaining Our Lady of Peace High School, she attended various faculty and board meetings. She offered to do anything she could to help and "they took me up on it." Last fall she was elected a trustee.

As trustee, Wallace serves on the four-member Committee on Renovation for OLP. She foresees no delay for the College in moving this fall.

"OLP is in excellent condition and it is really a question of remodeling, rather than renovation."

Once renovation is completed, Wallace sees the Board's next major task as acting upon the American Bar Association Accreditation Committee's recommendations and suggestions.

She is concerned that Mitchell maintain its good standing. "There are few night schools with our reputation in the country. For a night school to have a newspaper, law review and moot court competition is fantastic." The purpose of the College is not, she says, "to help people who couldn't get in anywhere else."

Having worked all through law school in as varied capacities as service advisor at Countryside Volkswagen to serving on the State Judiciary Committee, Wallace thinks working while in school can be an advantage to both the school and the individual. Besides gaining practical and legal knowledge, she indicated, "The student brings to the law school different perspectives from all areas of the community."

Aong with practical experience, Wallace is also insistent on the importance of writing skill for lawyers. A part-time instructor at Mitchell, she teaches legal writing and legal drafting. Her teaching is part of her "commitment to the importance of writing." As she points out, "A lot of lawyers and students simply can't write, and writing is equally important as substantive law, for all lawyers do basically is talk and write."

Being a faculty member and trustee could be full-time jobs for many, but Wallace is also a practicing attorney with the 21-member firm of Maslon, Kaplan, Edelman, Borman, Brand & McNulty. Although she notes that there are still some law firms which are not receptive to women attorneys, her present firm is not one of them. "They have had women attorneys in the past. I am given the same types of legal work as any new member of the firm."

The philosphy of the firm, that "lawyers are the last generalists," coincides with Wallace's own ideas. "Lawyers are traditionally the people a person comes to with a problem he couldn't take anywhere else." Consequently, Marcy Wallace handles every type of legal problem including litigation. At this time she would not like to specialize. As she says, "then you are essentially only able to handle that one area of the law."

Marcy Wallace's background has been as varied as she could make it. A native of Peoria, Illinois, she came to Minnesota to study at Macalester College. After two years at Macalester (where she was on the debate team and an editor of the MAC Weekly), she transferred to the University of Minnesota. At the University she was also involved in debate and graduated with a major in speech.

After law school, she clerked for a year for Minnesota Supreme Court Chief Justice Oscar Knutson.

She is married and living in St. Paul and trying to make more room in her hectic schedule for cross-country skiing.

Wallace believes law school and the legal profession are better for women now. Even in the short time since she was in law school, one professor still held a "Ladies Day."

In the legal profession, she has encountered very little prejudice, although women are still not equally involved in litigation or corporate law.

Perhaps the change for women is best demonstrated by Wallace's senior quotation in her high school yearbook. When asked what she would like to do after high school she replied: "If I were a boy I would be a lawyer."

Summer Sports

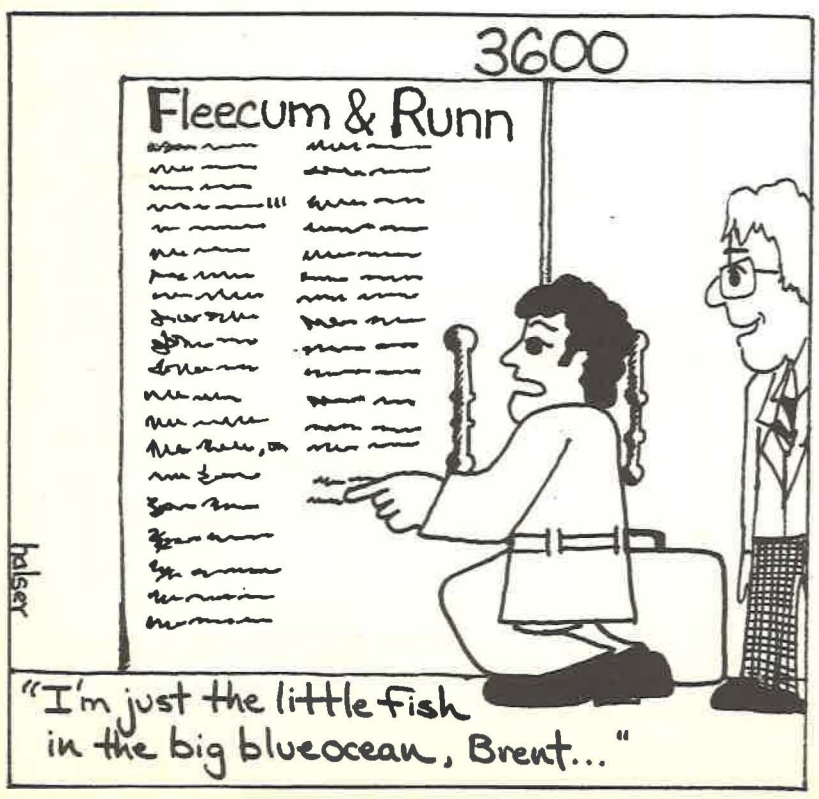
by Louis Tilton

In my last article I mentioned the fact that recreational happenings at William Mitchell were close to a standstill during the winter months and the one bright spot was the paddleball tournament.

I wrote too soon. Roughly thirty people had entered the tournament and a list showing the pairings and the playdown sequence had been posted at school. Many people had played one, two or even three games and things were progressing smoothly. (I had advanced in the first round by winning a coin toss with my opponent when we could not find a court to play on.) Then the inevitable happened! Someone stole the playdown list that was posted and there was no record of any of the people who had entered or were still left in the tournament.

Rumor has it that the thief was an overly active partaker at the wine tasting party held at school. There is one bright note. A lot of people ended their paddleball season with perfect records.

A softball season is planned. All that needs to be finalized is whether or not an appropriate field is available somewhere. If a field is found, games will probably be played either one Tuesday, Wednesday or Thursday night. More information will follow on this later.



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Moot court society sharpens trial skills

Since fall semester efforts have been directed toward the national moot court competition, an annual appellate advocacy competition sponsored by the Young Lawyers Committee of the Association of the Bar of the City of New York. The problem on which the briefs and arguments is based is distributed in the summer to participating schools. The regional competitions are held through the country in October or November. The winners of the regional competitions participate in the national competition in New York in late November or early December.

Two students from William Mitchell, Jim Yates and Jim Ludin, participated in the regional competition, sponsored by Hamline University law school.

The goal of the moot court society has been to encourage participation by as many students as possible in an appellate advocacy competition to enable students to develop and sharpen the skills necessary for effective advocacy.

Those interested should contact Professor Steenson this summer.